IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 932 (S/S) of 2006

1. Yogendra Kumar, son of Sri Katar Singh Tomar, resident of Gali No. 6, Adarsh Nagar, Haldwani, District – Nainital.
2. Hira Lal, S/o Sri Saudan Singh, R/o Sadbhawan Colony, C Block, Haldwani, District – Nainital.
3. Digvijai Singh, S/o Sri Shiv Charan Singh, R/o House No. G – 12, TDC Colony, Haldi, Pant Nagar, District – Udham Singh Nagar.
4. Harendra Kumar Sharma, S/o Sri Ram Saran Sharma, R/o Railway Colony, Bajpur, District – Udham Singh Nagar.

……...Petitioners

V e r s u s

1. State of Uttaranchal through the Additional Secretary, Agriculture Department, Government of Uttaranchal at Dehradun.
2. Director, Uttaranchal State Seed and Organic Production Certificate Agency, 12, Basant Bihar, Phase II, Dehradun.
3. Chairman, Uttaranchal State Seed and Organic Production Certificate Agency, 12, Basant Bihar, Phase II, Dehradun.

……Respondents

Hon'ble M.M. Ghildiyal, J.

1 Heard Sri B.D. Upadhyay, learned counsel for the petitioners and learned standing counsel for the State of Uttaranchal on behalf of respondents no. 1 and 2.

2. By means of this writ petition, the petitioners have challenged the orders dated 08.06.2006 passed by respondent no. 2 by which the petitioners have been

directed for repatriation to their parent department i.e. Agriculture Department.

3. Learned standing counsel has drawn my attention towards the letter dated 07.06.2006 written by respondent no. 1 to respondent no. 2 by which respondent no. 2 has been directed to send petitioners back to their parent department in view of the fact that Agriculture Department has requested the Uttaranchal State Seed and Organic Production Certificate Agency, Dehradun to repatriate the petitioners to their parent department from the posts on which they were working on deputation basis.

4. Learned counsel for the petitioners has submitted that earlier writ petition filed by the petitioners and stay order was granted by this court in favour of the petitioners vide order dated 17.11.2004. In spite of the order dated 17.11.2004, petitioners no. 1,3 and 4 were permitted to join on 08.02.2005 and petitioner no. 2 was permitted to join on 14.02.2005. Respondents have not paid salary to the petitioners from 17.11.2004 till they are permitted to join in the department.

5. During the course of arguments learned counsel for the petitioners has confined his prayer that respondent no. 3 be directed to decide the representation of the petitioner in which they have raised their all grievances within a period prescribed by this court.

6. So far as salary for the aforesaid period is concerned, I think it just and proper to direct the respondents to make payment of the salary to the petitioners for the period since 17.11.2004 till the date on which they have joined the department again after passing of the stay order dated 17.11.2004 by this court. So far as question of repatriation to their parent department is concerned without going into the merit of the case and as requested by learned counsel for the petitioners, I direct the respondent no. 3 to take decision on the representation of the petitioners dated 19.06.2006 (Annexure No. 20 to the writ petition) within a period of four weeks from the date of production of certified copy of this order.

7. With this direction the writ petition is finally disposed of. No order as costs.

(M.M. Ghildiyal, J)

July 12, 2006
SKSharma